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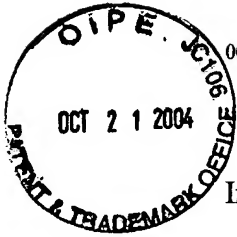
<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/825,276
	Filing Date	April 15, 2004
	First Named Inventor	Gary L. Hopkins, Sr.
	Art Unit	1761
	Examiner Name	
Total Number of Pages in This Submission	Attorney Docket Number	5732-27

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawings <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="text"/>	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): x Request for Reconsideration on Decision Dismissing Petition ... Dec. of Memorie Stofferahn x Copy of Electronic Log Book
Remarks <input type="text"/>		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or individual name	John V. Moriarty Woodard, Emhardt, Moriarty, McNett & Henry LLP	
Signature		
Date	October 18, 2004	

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below			
Typed or printed name	John V. Moriarty		
Signature		Date	October 18, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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005732-000027.JVM.308862

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent	)	
application of:	)	Before the Examiner
	)	
Gary L. Hopkins, Sr.	)	
	)	
Serial No. 10/825,276	)	
	)	Group Art Unit 1761
Filed April 15, 2004	)	
	)	
SELF-VENTING MICROWAVE	)	
COOKING CONTAINER FOR USE WITH)	)	
A VERTICAL FILL AUTOMATED	)	
MACHINE	)	October 18, 2004

**REQUEST FOR RECONSIDERATION ON DECISION**  
**DISMISSING PETITION TO ACCORD AN EARLIER FILING DATE**  
**PURSUANT TO 37 CFR 1.10(d)**

Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant herewith petitions to reconsider the decision of August 17, 2004 dismissing applicant's petition pursuant to 37 CFR 1.10(d) for an earlier filing date.

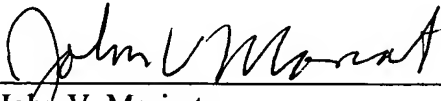
The package in question, namely the subject U.S. patent application, was deposited on April 13, 2004 in an Express Mail receptacle before the specified pick-up, but the "Date-In" on the Express Mail label incorrectly was noted as April 15, 2004. In support, Petitioner provided a copy of the Express Mail label, a postcard receipt, and a Certificate of Express Mail under 37 CFR 1.10. The decision dismissing applicant's petition stated that the Certificate of Express Mail is not sufficient evidence by itself to establish the date of mailing. Further, the Decision Dismissing the Petition stated that upon reconsideration, a notation in a log book,

entered after deposit by the person who deposited the correspondence as "Express Mail" within one business day of such deposit, setting forth the items indicated above, would be deemed to be an adequate showing of the date of deposit under 37 CFR 1.10(d)(3).

Enclosed herewith is a Declaration of Memorie G. Stofferahn who states that she deposited on April 13, 2004 the subject patent application U.S. Serial No. 10/825,276 in the Official U.S.P.S. Express Mail box before the designated pick time of 5:00 p.m. on April 13, 2004 and signed the Certificate of Express Mail stating that the application was mailed on April 13, 2004. Memorie G. Stofferahn further states in the enclosed declaration that after placing the application in the U.S.P.S. Express Mail box she entered the relevant application data into the law firms electronic log book named PATTSY with a mail date of April 13, 2004. Attached as Exhibit A to the declaration is a printout from the same electronic log book showing in the third line of the extreme top right corner of the page a mail date of 4/13/2004 which is the date she entered into the log book. Also showing on the printout on the very last line of the same Exhibit is a date of 4/13/2004 in the entered space which is a date automatic generated by the PATTSY system when the record is generated, that is, when the date is entered into the PATTSY. She further states that the date can not be altered. In other words, enclosed is a copy of a page from the electronic logbook showing that the deposit date of 4/13/2004 was entered into the electronic logbook on 4/13/2004. It is therefore believed that an adequate showing of date of deposit under 37 CFR 1.10(d) has been made and it is requested that the patent application be

assigned a filing date of April 13, 2004 and that all pertinent U.S. PTO records relating to the instant application be changed to reflect the correct filing date.

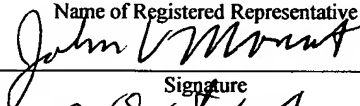
Respectfully submitted

By:   
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Reg. No. 26,207  
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111 Monument Circle, Suite 3700  
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 18, 2004.

John V. Moriarty

Name of Registered Representative



Signature

18 OCT 04

Date of Signature

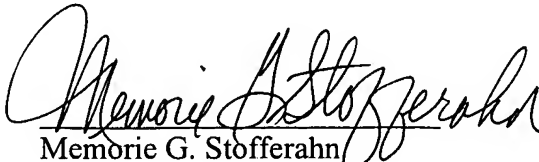
**DECLARATION OF MEMORIE G. STOFFERAHN**

I, Memorie G. Stofferahn, declare as follows:

1. I am a paralegal with the law firm of Stites & Harbison, PLLC and am responsible for the docketing and filing of United States and foreign patent applications.
2. In accordance with our standard filing procedures, on April 13, 2004, I prepared the patent application now identified as U.S. Serial Number 10/825,276 for filing with the United States Patent and Trademark Office. Included as part of the application was a Certificate of Express Mailing, signed by me, stating the application was mailed on April 13, 2004.
3. Following procedure, I placed the Express Mail envelope containing the application in the official USPS Express Mail box in our building (400 W. Market Street, Louisville, KY 40202) before the designated pickup time of 5:00 p.m. on April 13, 2004.
4. After placing the application in the USPS Express Mail box, I entered the relevant application data into PATTSY, our intellectual property docketing system, including a mail date of April 13, 2004. Attached as Exhibit A is a printout from our docketing system for this application, showing the mail date of April 13, 2004. Also shown on this printout is the "ENTERED" date of April 13, 2004, a date automatically generated by PATTSY when the record is generated and a date that can not be altered.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 9 day of September 2004 at Louisville, Kentucky.

  
Memorie G. Stofferahn

STITES# ST288/OST12-U

PRINTED ON: 9/3/2004

COUNTRY	US	UNITED STATES	TITLE		PRIOR	4/14/2003
NEW/CON	FCA	SERIAL#	10/825,276	SELF-VENTING MICROWAVE COOKING CONTAINER FOR USE WITH A VERTICAL FILL AUTOMATED MACHINE	MAIL	4/13/2004
RELATED	ST288/OST12	PATENT#			FILE	4/15/2004
TYPE	UTL	STATUS	TRANSFER		PUBL	
CLIENT	ST288	Steamway Franchise Sales, Inc.	1	CREF		
AGENT				AREF		
					ISSUE	
					1ST	4/15/2004
					TFD	4/26/2004

ID	O	ACTION	BASE	DUE IN	DUE	EXTNS	FINAL	EXT	RESPONSE	CALL UP	1	2	P
PE	Y	PETITION	5/13/2004										
PETITION TO CORRECT FILING DATE DUE TO POST OFFICE ERROR													
PC	N	POST CARD CHECK	4/13/2004	1M	5/13/2004		5/13/2004	0	4/23/2004	0M	Y	Y	Y
FS	N	FILG RCPT STATUS CHK	4/13/2004	3M	7/13/2004		7/13/2004	0		0M	Y	Y	Y
DS	N	INF DISCLOSURE STMT	4/15/2004	3M	7/15/2004		7/15/2004	0		1M	Y	Y	Y
PU	N	PUBLICATION	4/14/2003	18M	10/14/2004		10/14/2004	0		1M	N	N	Y
SC	N	STATUS CHECK	4/15/2004	18M	10/15/2005		10/15/2005	0		1M	Y	Y	Y

INVENTORS	ASSIGNEES
Gary L. Hopkins	Steamway Franchise Sales, Inc.

PRIOR APPLICATIONS							
REFERENCE#	CNTRY	SERIAL#	FILED	TITLE / DESCRIPTION		TYPE	
ST288/OST12	US	60/462,751	4/14/2003	SELF-VENTING MICROWAVE TRAY AND BAG COMBINATION FOR VERTICAL FILLING		APPL	

USER-DEFINABLE FIELDS				PATENT FIELDS			
TXT1				SMALL ENTITY	Yes	ART UNIT	
TXT2				CLAIMS		EXAMINER	
TXT3				PUBLICATION#		CONFIRM#	

P00541US01 ENTERED 4/13/2004 MODIFIED 5/13/2004 BY MGS ATTORNEYS DWN / MVW / MGS